

Washington, DC – Congressman Earl Blumenauer today voted with a majority of the House to enact legislation to address the tragedy in the Gulf of Mexico and prevent future drilling incidents.

The Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act and the Offshore Oil and Gas Worker Whistleblower Protection Act bill will ensure that American taxpayers are reimbursed fairly for the oil and gas taken from public lands. It will also increase transparency, safety and accountability in the development of energy resources, while also protecting employees who report safety violations.

Following is a statement from Rep. Blumenauer:

“It’s more than unfortunate that it has taken this and several other tragedies for us to finally make these common sense and overdue changes to the laws regulating oil and gas drilling.

“For too long, we’ve allowed the biggest oil companies to act like our nation’s public land and waters belong to them. Lax regulations, minimal environmental oversight, and a prioritization of dirty fuels over clean, renewable energy have led us to this point.

“While the legislation we passed does not address our grave addiction to oil, which is the reason we are drilling further and deeper than ever before, it takes real steps to prevent future oil spills and improve worker safety.

“I am pleased with the steps we took today, particularly closing royalty loopholes so that oil and gas companies can no longer exploit public lands without paying. Yet this must be only the beginning. Many more advances will be necessary to not just hold companies accountable, but fundamentally change the equation to protect the environment, workers, and taxpayers.”

Facts on the CLEAR Act

The CLEAR Act will increase safety, help restore the Gulf Coast, crack down on ethical lapses, require businesses to be responsible for their actions, and close royalty loopholes to ensure the

American people receive their fair share for drilling and other extraction of public resources. (This incorporates provisions from the “Blowout Prevention Act of 2010” (H.R. 5626) by Chairman Waxman, which was reported unanimously by the House Energy and Commerce Committee Chairman on July 15, 2010 by a vote of 48 to 0, and provisions from the “Oil Spill Accountability and Environmental Protection Act of 2010” (H.R. 5629) by Chairman Oberstar, which was reported by voice vote by the House Transportation and Infrastructure Committee on July 1, 2010.)

- **New Oil Drilling Safety Standards:** Directly responds to the Deepwater Horizon disaster while also looking forward and attempting to prevent the next catastrophe. The bill would require strong new safety standards for offshore drilling, including independent certifications of critical equipment, demonstrations of the ability to respond to future blowouts or major spills, increased inspections, stiffer penalties for safety violations, and an end to the practice of issuing environmental waivers for drilling plans. It would require all vessels and rigs off U.S. coasts – even foreign owned ones -- to fully adhere to U.S. safety standards. The legislation provides for training to help ensure that only fully qualified individuals serve as federal oil and gas inspectors under strict ethical standards.

- **Holding BP Accountable, Eliminating Outdated Liability Limits:** Ensures that American taxpayers are not left on the hook to bail out oil companies by increasing liability limits and financial responsibility requirements on offshore facilities; responsible parties will cover 100 percent of the oil pollution cleanup costs and damages caused by spills they create. Specifically, the bill removes the current \$75 million cap on economic damages to be paid to residents and small businesses by oil companies after oil spills and increases to \$300,000 the financial responsibility offshore operators must demonstrate in most cases.

- **Reforming Federal Oversight of Oil Drilling/MMS:** Abolishes the scandal-ridden Minerals Management Service (MMS) and divides it into three separate entities to eliminate conflicts-of-interest: one to manage leasing & permitting; another to do the policing of health, safety, and environmental regulations; and a third to collect the American people's energy revenues.

- **Mineral Management Service Ethics Reform:** Takes aggressive steps to crack down on the extreme misconduct at the Mineral Management Service – the agency charged with collecting royalties from oil and gas companies. The CLEAR Act contains a strong “revolving door” provision that would add a 2-year ban on accepting employment with certain companies. That provision would also add new recusal requirements and provide stricter penalties for

violations. Recently the Interior Inspector General raised serious concerns about the “ease with which [safety inspectors] move between industry and government,” while press reports have shown that three out of four oil and gas industry lobbyists had previously worked in the federal government.

- **Strengthening Oil Spill Commission:** Adds teeth to the President’s Commission on the Deepwater Horizon oil spill by giving the Commission subpoena power so they can get the answers they need to get to the bottom of what actually happened. The House passed similar legislation (H.R. 5481) on June 23, 2010. It also requires the commission to: consult regularly with the experts looking into the oil spill at the National Association of Engineers and National Research Council; hire staff with technical expertise in petroleum engineering, rig safety, or drilling; and report to Congress on recommendations to ensure effective oversight, inspection, monitoring, and response capabilities.

- **Restoring the Gulf & Coastal Communities:** Establishes a Gulf of Mexico Restoration Program to coordinate the efforts to return the Gulf to health following the oil rig explosion. It also works to ensure that fees from offshore drilling go toward protecting and improving our oceans, as they are critical to the health and economic livelihoods of our coastal communities.

- **Royalty Reform, Making Oil Companies Pay Their Fair Share for Drilling on Public Lands:** Closes royalty loopholes that allow oil companies to drill for free on public lands during times of high oil prices due to a flawed Republican energy bill in 1995. Consumers paying high gas prices that fuel record profits should not be shortchanged by receiving no royalty on the sale of the public’s oil. Taxpayers for Common Sense has urged Congress to pass the CLEAR Act and stop the \$50 billion giveaway to the oil and gas industry.

- **Cleanup Safety:** Establishes new procedures for the use of chemical dispersants to ensure their safety to water quality and the environment.

- **Land and Water Conservation Fund:** Makes good on the promise made over 45 years ago that money obtained from the sale of the public's resources be used to protect and conserve our natural, historical, and recreational resources by providing mandatory full funding for the Land and Water Conservation Fund (LWCF) and the Historic Preservation Fund (HPF). This is about a commitment to offset some of the destructive effects of oil and gas production by preserving places with high quality recreation opportunities and vital wildlife habitat. At last, we will be able to ensure that the entire American public sees a return from the private use of our nation's Outer Continental Shelf resources.

OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT

Workers on the Deepwater Horizon rig had serious safety concerns prior to the explosion, but were reluctant to come forward with those concerns, which resulted in the death of 11 Americans. Workers on oil rigs, like the Deepwater Horizon, risk losing their jobs if they report dangerous workplace conditions. The workers performing clean-up activities on the Outer Continental Shelf similarly have no protections against employer retaliation for raising health and safety concerns. This bill extends whistleblower protections to workers regarding Outer Continental Shelf oil and gas exploration, drilling, production, or cleanup, whose employers are engaged in those activities – as they are best position to discover safety hazards.

Modeled after other modern whistleblower statutes, this bill would:

- Prohibit an employer from discharging or otherwise discriminating against an employee who reports to the employer or government official that he or she reasonably believes the employer is violating the Outer Continental Shelf Lands Act (OCSLA).
- Protect employees who prepare and/or testify about the alleged violation, report injuries or unsafe conditions related to the offshore work, refuse to work based on a good faith belief that the offshore work could cause injury or impairment or a spill, or refuse to perform in a manner that they believe violates the OCSLA.
- Establish a process for an employee to appeal an employer's retaliation by filing a complaint with the Secretary of Labor.
- Make an aggrieved employee eligible for reinstatement, back pay and compensatory and consequential damages, and, where appropriate, exemplary damages.
- Require employers post a notice that explains employee rights and remedies under this Act and provide training to the employees of these rights.